

FILED

October 19 2009

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA



**IN THE SUPREME COURT OF THE STATE OF MONTANA
THE OFFICE OF THE CLERK OF SUPREME COURT
HELENA, MONTANA 59620-3003**

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October 19, 2009

NOTICE OF FILING

Supreme Court No.
DA 09-0510

STATE OF MONTANA, EX REL. DEPARTMENT
OF ENVIRONMENTAL QUALITY,

Plaintiff and Appellant,

v.

BNSF RAILWAY COMPANY, and SWANK ENTERPRISES

Defendant, Appellee and Cross-Appellant.

The Filing Fee of \$100.00 has been received in the above noted case.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ed Smith", is written over a horizontal line.

ED SMITH
Clerk of the Supreme Court